

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: **YADIRA VARGAS TIRADO**
SSN xxx-xx-1126

CASE NO: **16-08946-EAG**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,500.00** Paid Pre-Petition: **\$500.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value:\$0.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the Proposed "PCM": Dated **03/22/2021** (Dkt 171) **Plan Base: \$13800.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:32.49%

The Trustee objects to confirmation for the following reasons:

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with plan scheduled distribution or no sufficient information to determine it.

Debtor must take into account that as of this date, the Trustee has already disbursed \$13,800.00.

***OTHER COMMENTS / OBJECTIONS**

In order to address Trustee's Motion to Dismiss debtor filed a modified plan reducing the base from 60 months to 52 months. Debtor claims that the reason behind the arrears is that her medical expenses increased and that she used to have rent income and no longer has that income. Debtor has failed to submit evidence to support her allegations. The Trustee will not withdraw the pending Motion to Dismiss, filed on January 10, 2021 upon Debtor's failure to make plan payments at this time. Docket no. 167.

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: March 28, 2021

/s/ Nannette Godreau, Esq.

Last Docket Verified: 172 Last Claim Verified: 7 (6-2) CMC: AM